

REMARKS

Claims 1-79 are pending.

Examiner Interview

On April 6, 2006, John Wagner and William Zarbis (for the Applicants) and Examiner Hoffman (of the USPTO) participated in a telephone interview to discuss the Jändel et al. reference (U.S. Patent No. 6,931,534) in light of the claims. The Applicants thank Examiner Hoffman for participating in the interview.

103(a) Rejections

Claims 1-8, 12-28 and 32-79

The instant Office Action states that Claims 1-8, 12-28 and 32-79 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa et al. ("Nakagawa;" U.S. Patent No. 6,810,131) in view of Jändel et al. ("Jändel;" U.S. Patent No. 6,931,534). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 1-8, 12-28 and 32-79 is not anticipated nor rendered obvious by Nakagawa and Jändel, alone or in combination.

With regard to independent Claims 1, 13, 21, 50, 57 and 64, Applicants respectfully agree with the statement in the instant Office Action that "Nakagawa et al. does not teach scalably encoding the data and then progressively encrypting the scalably encoded data." With regard to independent Claims 33, 39, 44, 71, 74 and 77, Applicants respectfully agree with the statement in the instant Office Action that "Nakagawa et al. does not teach decoding scalably encoded data and then progressively decrypting the scalably decoded data."

However, Applicants respectfully disagree that Jändel corrects these deficiencies. Specifically, Applicants respectfully submit that Jändel, alone or in combination with Nakagawa, does not show or suggest progressive encryption.

According to the instant application, "progressive encryption methods have the property that the first portion of the data is encrypted independently, then later portions are encrypted based on earlier portions" (see at least page 14, lines 31-33, of the instant application). (It is recognized that that, although the claims are read in light of the specification, limitations appearing in the specification are not read into the claims. However, it is also recognized that the claims are read as one of ordinary skill in the art would read them. Furthermore, it is recognized that an Applicant can be his or her own lexicographer, as long as the meaning of a term is not repugnant to the usual meaning of the term. Moreover, if extrinsic reference sources evidence more than one definition for the term, the intrinsic record – e.g., the disclosure of the instant application – must be consulted to identify which of the different possible definitions is most consistent with Applicant's use of the term; where there are several common meanings for a claim term, the patent disclosure serves to point away from the improper meanings and toward the proper meanings.)

Applicants understand Jändel to describe only that each "coding unit" is encrypted independently of the other coding units (specifically, please see column 4, lines 23-25, of Jändel; in general, please see the discussion of Figures 2a and 3 in columns 3 and 4).

Therefore, Applicants respectfully submit that Nakagawa and Jändel (alone or in combination) do not show or suggest progressive encryption of

scalably encoded data as recited in independent Claims 1, 13, 21, 50, 57 and 64. Also, Applicants respectfully submit that Nakagawa and Jändel (alone or in combination) do not show or suggest decrypting a packet containing progressively encrypted scalably encoded data, as recited in independent Claims 33, 39, 44, 71, 74 and 77.

Therefore, Applicants respectfully submit that Nakagawa and Jändel (alone or in combination) do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1, 13, 21, 33, 39, 44, 50, 57, 64, 71, 74 and 77, and that these claims are considered patentable over Nakagawa and Jändel (alone or in combination). Because Claims 2-8, 12, 14-20, 22-28, 32, 34-38, 40-43 and 45-49 depend from Claim 1, 13, 21, 33, 39, 44, 50, 57, 64, 71, 74 or 77 and contain additional limitations, these claims are also considered patentable over Nakagawa and Jändel (alone or in combination).

Therefore, Applicants respectfully submit that the basis for rejecting Claims 1-8, 12-28 and 32-79 under 35 U.S.C. § 103(a) is traversed.

Claims 9-11 and 29-31

Claims 9-11 and 29-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakagawa as modified by Jändel and further in view of Van der Auwera et al. ("Van der Auwera;" U.S. Patent No. 6,532,265). The Applicants have reviewed the cited references and respectfully submit that the present invention as recited in Claims 9-11 and 29-31 is not anticipated nor rendered obvious by Nakagawa, Jändel and Van der Auwera, alone or in combination.

As presented above, Applicants respectfully submit that Nakagawa and Jändel, alone or in combination, do not show or suggest the embodiments of the present claimed invention recited in independent Claims 1 and 21. Claims 9-11 are dependent on Claim 1 and recite additional limitations. Claims 29-31 are dependent on Claim 21 and recite additional limitations.

Applicants respectfully submit that Van der Auwera does not overcome the shortcomings of Nakagawa and Jändel. Applicants respectfully submit that Van der Auwera, alone or in combination with Nakagawa and Jändel, does not show or suggest progressive encryption or progressively encrypting data as recited in independent Claims 1 and 21, and that these claims are considered patentable over Nakagawa, Jändel and Van der Auwera (alone or in combination). Because Claims 9-11 and 29-31 depend from Claim 1 or 21 and contain additional limitations, these claims are also considered patentable over Nakagawa, Jändel and Van der Auwera (alone or in combination).

Therefore, Applicants respectfully submit that the basis for rejecting Claims 9-11 and 29-31 under 35 U.S.C. § 103(a) is traversed.

Conclusions

In light of the above remarks, Applicants respectfully request reconsideration of the rejected claims.

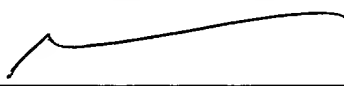
Based on the arguments presented above, Applicants respectfully assert that Claims 1-79 overcome the rejections of record and, therefore, Applicants respectfully solicit allowance of these claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application.

Respectfully submitted,

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